



JAMES B. HUNT JR.
GOVERNOR

BILL HOLMAN
SECRETARY

NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

WINSTON-SALEM REGIONAL OFFICE
DIVISION OF WASTE MANAGEMENT
UST SECTION

October 3, 2000

CERTIFIED MAIL 7000 0600 0025 1127 7714
RETURN RECEIPT REQUESTED

Lindley Property Trust
Mr. M. Cope Livingston
Post Office Box 35681
Greensboro, NC 27425-5681

RE: Notice of No Further Action
15A NCAC 2L .0115(h)
RISK-BASED ASSESSMENT AND CORRECTIVE
ACTION FOR PETROLEUM UNDERGROUND
STORAGE TANKS

ARA/Smith's
6301 Burnt Poplar Road, Greensboro
Incident No. 10077
Low Risk Classification

Dear Mr. Livingston:

On September 25, 2000, the Division of Waste Management (DWM) Winston-Salem Regional Office received notification on your behalf from Pyramid Environmental Inc. that the water supply well located at 210 Chimney Rock Road (the Atkins residence) has been permanently disconnected and the residence has been connected to municipal water. Based on information provided to date, the DWM finds it appropriate to lower the risk classification of the discharge or release from high to low.

A review of the report shows that soil contamination does not exceed the industrial/commercial maximum soil contaminant concentrations established in 15A NCAC 2L .0115(m) or the soil cleanup levels established by the Department in the "Groundwater Section Guidelines for the Investigation and Remediation of Soil and Groundwater" (March 1997). A review of information on file also shows that contaminated groundwater does not exceed gross contamination levels that were established in 15A NCAC 2L .0115(g).

Based on information provided to date, the DWM determines that no further action is required for this incident. **This determination is conditional pending**

585 WAGHTOWN STREET, WINSTON-SALEM, NORTH CAROLINA 27107

PHONE 336-771-4600 FAX 336-771-4632

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completion of the public notice specified below. Once proper public notice has been given, this determination will apply unless the DWM later determines that the discharge or release poses an unacceptable risk or a potentially unacceptable risk to human health or the environment.

Please be advised that because contaminated groundwater has not been restored to the level of the standard or interim standard established in 15A NCAC 2L .0202, groundwater within the area of contamination or within the area where contamination is expected to migrate, is not suitable for use as a water supply. Also be advised that because contaminated soil was not cleaned up to the residential maximum soil contaminant concentrations, the property containing soil contamination is not suitable for residential use (e.g., homes, day care centers, schools, recreation areas).

Pursuant to 15A NCAC 2L .0115(e), you have a continuing obligation to notify the DWM of any changes that you know of or should know of, that might affect the level of risk assigned to the discharge or release. Such changes include, but are not limited to, changes in zoning of real property, use of real property or the use of groundwater that has been contaminated or is expected to be contaminated by the discharge or release, if such change could cause the DWM to reclassify the risk. Please note that this responsibility not only pertains to changes involving the property on which the release occurred, but to changes involving the surrounding properties as well.

Please be advised that you must comply with the public notice requirements of 15A NCAC 2L .0115(k) as specified below. **If public notice is not provided as required, this no further action determination will be deemed invalid.** Within 30 days of receipt of this no further action notice, you must provide a copy of this notice to the following persons:

- local health director;
- chief administrative officer (i.e., Mayor, Chairman of the County Commissioners, County Manager, City Manager or other official of equal or similar position) of each political jurisdiction in which the contamination occurs;
- all property owners and occupants within or contiguous to the area containing contamination; and
- all property owners and occupants within or contiguous to the area where the contamination is expected to migrate.

Copies of this no further action notice must be sent to the persons listed above by certified mail. If it is impractical to provide notice by certified mail to the occupants of apartment buildings, condominiums, office buildings, etc., you may post a copy of this notice in a prominent place where the occupants are most likely to see it.

Within **60 days** of receiving this no further action notice, you must provide the DWM Winston-Salem Regional Office with proof of receipt of the copy of the notice or of refusal by the addressee to accept delivery of the copy of the notice. If a copy of the notice is posted, you must provide the DWM with a description of the manner in which the notice was posted.

Interested parties may examine the case file information by contacting Mr. G. Van Ness Burbach, Ph.D., PG of Pyramid Environmental, Inc. at (336) 335-3174. In addition, the DWM Winston-Salem Regional Office has information on file and available for public review. Interested parties may arrange to review this information by contacting the regional office as listed below. In addition, comments on the case file may be submitted to the regional office at the following address and telephone number: DWM Winston-Salem Regional Office, c/o Guilford County Environmental Health, Attn: Melanie Wells, 1100 E. Wendover Avenue, Greensboro, NC 27405, telephone (336) 373-3771.

Please be advised that you must close any monitoring wells or injection wells used to investigate or remediate this incident in accordance with 15A NCAC 2C .0113 and .0214, respectively. For guidance on closure of infiltration galleries, please contact the Winston-Salem Regional Office.

Should you have any questions concerning this notice, please contact Melanie Wells at (336) 373-3771.

Sincerely,



Cindy H. Rintoul
Regional Supervisor

Attachments: 15A NCAC 2C .0113
15A NCAC 2C .0214
Well Abandonment Form

cc: Fay Sweat Incident No. 10077-Central Office
GCPH
WSRO

7000 0600 0025 1127 7714

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

Lindley Property Trust

ARA/Smith's

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| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
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City, State, ZIP+4

PS Form 3800, February 2000 See Reverse for Instructions

TE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
10/14/00

C. Signature *LINDLEY PROPERTY TRUST* Agent ☐ Addressee ☐

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

1. Article Addressed to:

Lindley Property Trust
 Mr. M. Cope Livingston
 PO Box 35681
 Greensboro, NC 27425-5681

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. Article Number (Copy from service label)

7000 0600 0025 1127 7714

PS Form 3811, July 1999

ARA Smith's Atlanta

Domestic Return Receipt

102595-99-M-1789